

**To:** Braun, Richard[Braun.Richard@epa.gov]  
**From:** Ostrander, David  
**Sent:** Tue 10/27/2015 2:27:54 PM  
**Subject:** Re: Citizen Letter that needs your input AX-15-001-3628

Thanks Richard

Sent from my iPhone

On Oct 27, 2015, at 8:31 AM, Braun, Richard <[Braun.Richard@epa.gov](mailto:Braun.Richard@epa.gov)> wrote:

Rebecca,

Concerning question 3 below, I have attached a PDF of the Purchase Requests that were used to fund the contract mods on Aug 4, 5, & 13; mods 32, 33 & 34 respectively.

**Mod 32 for \$ 945K:**

-\$270K marked for GKM

-\$375K marked for Cal Gulch

-\$300K marked for work not yet defined

**Mod 33 for \$ 265K:**

-\$265K marked for Tomichi Mill Site

**Mod 34 for \$ 1.0 Million:**

\$ 1.0 Million for Funding for ERRS at Base level

\$ 220K of Mod 32 was allocated to GKM Task Order 51 on Aug 11, 2015.

\$ 1.0 million of Mod 34 was allocated to GKM Task Order 77.

Richard Braun

EPA Region 8

Contracting Officer

303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Ostrander, David

**Sent:** Tuesday, October 27, 2015 5:51 AM

**To:** Grantham, Nancy; Braun, Richard; Way, Steven

**Cc:** Russo, Rebecca; Peterson, Cynthia; Smith, Paula; Asher, Jonathan; Distefano, Nichole; Vaught, Laura; Levine, Carolyn

**Subject:** Re: Citizen Letter that needs your input AX-15-001-3628

as to question 3, Richard Braun in contracting should be able to help. I think it is worth noting that despite the name of the contract, we conduct many time critical removal actions such as Red and Bonita, where we fund the work under a task order before work starts. We had funded ER to work on the GKM as an investigation phase and not as an emergency or even time critical removal phase. These funding actions in no way indicated an advance knowledge of the impending incident and were funding planned actions at the GKM.

Sent from my iPad

On Oct 27, 2015, at 6:38 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

Looping ocir folks here – will connect with Carolyn on this ..thanks ng

**From:** Russo, Rebecca

**Sent:** Monday, October 26, 2015 6:11 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Peterson, Cynthia

<[Peterson.Cynthia@epa.gov](mailto:Peterson.Cynthia@epa.gov)>; Ostrander, David <[Ostrander.David@epa.gov](mailto:Ostrander.David@epa.gov)>

**Cc:** Smith, Paula <[Smith.Paula@epa.gov](mailto:Smith.Paula@epa.gov)>

**Subject:** Citizen Letter that needs your input AX-15-001-3628

Hi all,

This one is going to need some additional work and I think input from David O. and/or Steve Way.

It is from a group the Project On Government Oversight (POGO) and they cc'd House Minority Leadership on this letter. It seems they have reviewed all of the contract documents on our website and have many very specific questions regarding those documents. This email was dated 9/8 and we didn't post additional contract information after that date.

Here's is the letter. I broke it out into questions out, and bolded them, for easier review and response:

The Environmental Protection Agency (EPA) has posted hundreds of pages of documents about the Gold King Mine leak, which sent 3 million gallons of

mining wastewater flowing into Colorado's Cement Creek and Animas River. The records provide insights about the mine cleanup work, the chronology

of the release, and the emergency response that took place after the leak.

1. The Project On Government Oversight's review of federal contracts shows that even before the spill supposedly began, the EPA was reacting to an

emergency in the region that required a rapid response. A nearly \$1 million contract modification with Environmental Restoration LLC—the EPA

contractor working onsite at Gold King Mine where the spill occurred—was signed on August 4, the day before the spill. **What was the money for and**

**where was that emergency?**

*Draft Response (from congressional inquiry tracking table): The Gold King Mine was not a time critical removal action under CERCLA. The Red and Bonita mine is approximately 500 feet*

from the Gold King mine. Both sites had ongoing clean-up and assessment activities occurring at the same time, and some efficiencies could be realized. However, the site activities were separate. The plan was to re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases. This included the extraction of an unknown amount of water ponded behind the portal debris blockage, followed by removal of the blockage and stabilization of the portal opening. When completed, the assessment would identify and characterize specific water flows into the mine and evaluate potential means to mitigate those flows if possible. This evaluation was being performed in parallel with the time-critical removal action at the Red and Bonita Mine in order to observe possible changes in the discharge at the Gold King Mine that may be caused by the installation of the bulkhead at the Red and Bonita this summer.

2. The EPA hasn't fully come clean yet, and the agency should **provide more details about the three projects funded on August 4 and the activities at Gold King that day, including descriptions of activity in posted pictures from August 4.**

*I think the chronologies do a good job of this, but they apparently do not. I'm not sure we could add anything more, except maybe to point out that the chronologies do describe all the actions of that day, and that there are descriptions of the pictures are included in this document:*

[http://www2.epa.gov/sites/production/files/2015-08/documents/draft\\_technical\\_memo\\_august\\_12\\_2015\\_08-1574032.pdf](http://www2.epa.gov/sites/production/files/2015-08/documents/draft_technical_memo_august_12_2015_08-1574032.pdf)

3. Contract modifications increasing funding for "Emergency and Rapid Response Services for Region 8" occurred on August 4, August 5, and August

13 (effective on August 6), totaling \$2.2 million. The contract modifications do not mention Gold King Mine specifically, and the contracting officer who

prepared the listings didn't include the place of performance for the emergency response. **If any of those contract actions are related to the Gold King spill,**

**it raises the question of what EPA officials knew and when they knew it, and what remedial actions were taken.**

*We at least need to address if any of the contract actions were related to the GKM spill.*

4. **The EPA hasn't responded to POGO's email request for information about emergencies in Region 8,** which includes Colorado, Montana, North Dakota,

South Dakota, Utah, Wyoming, and 27 Tribal Nations, in the month of August.

*I do not know anything about this request and cannot find any letter asking for this information in CMS. I'll let them know that we don't have this request.*

The circumstances are unfortunate, because the EPA and Environmental Restoration and other cleanup contractors did not cause the underlying problem, they are cleaning up a mess left behind by the mining companies that are no longer in business.

5. Environmental Restoration also received work specifically mentioning the "Emergency and Rapid Response Services for Region 8. Gold King Mine

Release," signed on August 6, for up to \$500,000, which was subsequently increased to up to \$1,000,000 and now nearly \$1.4 million. **Questions are**

**worth posing about the added funding for this contract and whether the EPA was concerned about awarding clean-up work to the same contractor that was**

**involved in the initial spill.**

*I'm not sure we need to/want to respond to this. It's not a question per se.*

The EPA has released the statement of work for the post-release work, which includes some background on the emergency, deliverables, and a schedule that is expected to end "on or before 11/30/2015." The company has stated that it will honor its "contractual confidentiality obligations to all of our clients, and cannot provide any additional information." Its

work at the Gold King Mine dates back to July 2014, when it was hired to conduct "[Emergency and Rapid Response Services] Time Critical Removal –

Gold King Mine, San Juan County, CO." According to the EPA website, Environmental Restoration has been involved in emergency services in Region 8

since at least 2001.

In addition to the work awarded to Environmental Restoration, the EPA has brought in Environmental Quality Management, Inc. (EQM) to also respond to

the Gold King Mine spill. To date, EPA work orders awarded to EQM total \$500,000 for Region 6 and \$118,000 in Region 9, and more money may

have to flow to those regions because they are downstream and at risk from the Gold King Mine leak.

In an effort to have an independent review of the release, the EPA announced that the Department of the Interior would conduct a review; this will be in

addition to investigations by the EPA Inspector General. Congress, which has a long history of looking into the topic of abandoned mines, is also

demanding answers from the EPA, Interior Department, and Environmental Restoration, and scheduling hearings.

The EPA's release of contracts and other data has assisted the public in understanding the government's actions, but there is a need for more

answers. The EPA's handling of this situation hasn't been without its critics who want more information from the agency about concerns with notifying

and working with local communities and questions about the leak itself. Obviously, we still need more information about the spill, its impact, the future

cleanup, and the tax money being spent (especially since lawsuits are forthcoming and the EPA is bracing for claims). The public release of additional

information and details will enhance the ongoing investigations and allow the government to learn from its mistakes rather than hiding the truth from

policymakers and the public.

*While no additional questions are posed here, it might be good to include some information on the investigations/lessons learned and long-term monitoring.*

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

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<PurchaseRequests.pdf>